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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re Y. A. et al., Persons Coming  
Under the Juvenile Court Law.

B303101  
(Los Angeles County  
Super. Ct. No. 18CCJP06986)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff,

v.

B. A.,

Defendant and Appellant.

C. F.,

Defendant and Respondent.

APPEAL from orders of the Superior Court of Los Angeles  
County, Steff R. Padilla, Judge Pro Tempore. Affirmed.

Michael Keiter, under appointment by the Court of Appeal,  
for Defendant and Appellant.

Melissa A. Chaitin, under appointment by the Court of  
Appeal, for Defendant and Respondent C. F.

No appearance for Plaintiff Los Angeles County  
Department of Children and Family Services.

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Father B. A. (father) appeals from orders of the juvenile court granting sole physical and legal custody of his children to their mother, C. F., (mother) and terminating dependency jurisdiction. Father contends the juvenile court abused its discretion in not granting him joint legal custody. Father argues that one of the children's grades have suffered since the child has been in the exclusive care of mother, and father's participation in the child's educational decisions could remedy that.

Father's argument ignores the fact that father's fixation on the children's academic performance was a major factor in the issues that led to juvenile court involvement, including an incident in which father kicked one child and pushed another in a dispute over their grades. Father has refused to admit those allegations or take any responsibility for the case issues, instead blaming mother. Under those circumstances, the juvenile court did not abuse its discretion in granting mother sole legal custody.

Accordingly, we affirm.

## FACTUAL AND PROCEDURAL BACKGROUND

### 1. *Detention and adjudication*

In October 2018, the Los Angeles County Department of Children and Family Services (DCFS) filed a petition under Welfare and Institutions Code<sup>1</sup> section 300 seeking to detain 16-year-old Y.A., 15-year-old I.A., and 9-year-old A.A., from mother and father.

The petition alleged counts under section 300, subdivisions (a), (b), and (j). The supporting allegations were identical under the three subdivisions. The first count under each subdivision alleged that father, in the presence of the other children, had kicked I.A., causing him to fall back against some furniture and sustain injuries. When Y.A. attempted to intervene, father pushed him to the floor. On a prior occasion, father had threatened I.A., who fled the home. Father pursued by foot, then in his vehicle. The petition further alleged that father called I.A. “degrading and belittling names,” and that I.A. “refuses to return to the care of the father.” The petition asserted that mother had failed to protect I.A., and father’s abuse and mother’s failure to protect endangered I.A. and put his siblings at risk.

The second count under each subdivision alleged that on or about 2017, father grabbed Y.A. by the neck. It further alleged that father called Y.A. “degrading and belittling names,” and that Y.A. “refuses to have contact with the father.” Similar to the first count, the second count alleged that mother failed to protect Y.A.,

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<sup>1</sup> Undesignated statutory citations are to the Welfare and Institutions Code.

and father's abuse and mother's failure to protect put Y.A. and his siblings at risk.

At the time the petition was filed, mother and children had left father and were living with maternal grandmother. The juvenile court ordered the children detained from father and released to mother.

In reports submitted by DCFS, mother and children confirmed the allegations in the petition. Mother and children reported that father had "anger issues" and would call them insulting names. "All of the boys noted their feelings of being overwhelmed and exhausted from living with their father[s] controlling and aggressive behavior and the feelings of relief they have had since being at their grandmother's home."

Mother, Y.A., and A.A. reported that the incident in which father kicked I.A. and pushed Y.A. arose because father was upset about the children's grades in school and was trying to take away their telephones. I.A. stated that "[a]ll it seems [father] cares about is school and our grades." The children's adult sibling stated that father "is obsessed with good grades."

Father denied physically abusing the children or calling them names. He claimed mother was manipulating the children against him.

Following an adjudication hearing that ended on April 11, 2019, the juvenile court sustained counts b-1, b-2, and j-1, and dismissed the other counts. The children were placed with mother, with services ordered for both mother and father. Father appealed and DCFS cross-appealed, but at the parties' later request, we dismissed both appeals before briefing commenced.

## **2.     *Termination of jurisdiction***

In a status review report filed September 16, 2019, DCFS reported that mother “has provided safe, consistent, and loving care to the children” and “[a]ll children have expressed to have a strong and trusting relationship with their mother.” The children were attending school regularly, and I.A. and A.A. were excelling academically. Y.A. was having some academic difficulties, but was expected to graduate high school on schedule.

DCFS reported that “[f]ather has remained fixated on the idea that the mother has ‘brainwashed’ the children into believing that they do not want to see the father. Father does not take responsibility for the family’s case coming to the attention of DCFS and the Court. Father continues to den[y] the allegations and blames the children’s mother for there being a case.”

Father had completed parenting and anger management classes. The children did not wish to speak with him or visit with him, but would do so if mother and DCFS asked. The visits “do not go well and have only lasted for five to fifteen minutes.”

Father consistently attended individual counseling. His therapist reported that father “doesn’t acknowledge any problems and denies stress,” and “is cut off from his emotions.”

DCFS recommended the juvenile court grant sole physical custody to mother and joint legal custody to mother and father, and terminate jurisdiction.

In a last minute information filed November 20, 2019, DCFS reported that father had contacted a DCFS social worker because mother had not provided the spousal support she owed him. Mother had told DCFS she could not provide spousal support because she was supporting the children without father’s assistance.

DCFS also reported that the children continued to state that they did not want contact with father, and had explained articulately that this was because of father's failure to take responsibility and his actions towards them and their mother. "[F]ather has continually expressed that the children's attitude toward him is a result of the mother coaching or brainwashing the children. It is the professional opinion of this [social worker] that the children show no signs of being coached by their mother and have strong opinions which seem to be their own."

DCFS continued to recommend terminating jurisdiction, with sole physical custody to mother and joint legal custody to mother and father.

At a hearing on November 21, 2019, the juvenile court stated that "the matter is appropriately terminated." Contrary to DCFS's recommendation, the court granted sole physical and sole legal custody to mother.

The juvenile court explained, "Father's nonstop attacks on mother even [in] the [last minute information] that somehow absolves him of any responsibility of where he is with his children, [and] his mention of financial issues in a court he is well aware . . . does not handle financial issues indicates, that while he has completed his classes, he is not ready or able to coparent." The court found that mother had met the children's needs, whereas "[f]ather has not."

The juvenile court granted father visitation "with the minors' consent." In subsequent orders, the juvenile court terminated jurisdiction.

Father timely appealed.<sup>2</sup>

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<sup>2</sup> Mother filed a respondent's brief, but DCFS did not.

## STANDARD OF REVIEW

“We review a juvenile court’s custody orders for abuse of discretion. [Citations.] ‘When applying the deferential abuse of discretion standard, “the trial court’s findings of fact are reviewed for substantial evidence, its conclusions of law are reviewed de novo, and its application of the law to the facts is reversible only if arbitrary and capricious.” ’ ” (*In re Maya L.* (2014) 232 Cal.App.4th 81, 102 (*Maya L.*)).

On review for substantial evidence, we “look[ ] to see if substantial evidence, whether contradicted or uncontradicted, supports the findings. [Citations.] The appellate court must review the evidence in the light most favorable to the trial court’s order, drawing every reasonable inference and resolving all conflicts in favor of the prevailing party.” (*In re Alexzander C.* (2017) 18 Cal.App.5th 438, 446 (*Alexzander C.*), disapproved on other grounds by *Conservatorship of O.B.* (2020) 9 Cal.5th 989.)

## DISCUSSION

The juvenile court may terminate jurisdiction over a minor and issue “an order determining the custody of, or visitation with, the child.” (§ 362.4, subd. (a).) That order “shall continue until modified or terminated by a subsequent order of the superior court.” (*Id.*, subd. (b).) “‘When making a custody determination in any dependency case, the court’s focus and primary consideration must always be the best interests of the child. [Citations.] Furthermore, the court is not restrained by “any preferences or presumptions.” ’ ” (*Maya L., supra*, 232 Cal.App.4th at pp. 102–103.)

Father’s sole contention on appeal is that the juvenile court abused its discretion by not granting him joint legal custody, thus

denying him the right to make “decisions relating to the health, education, and welfare” of his children along with mother. (Fam. Code, § 3003.) Father argues he “could play an important role in helping to guide the children’s education.” He claims that Y.A.’s grades have suffered since he has not been in father’s care, which “prove[s] the importance of [f]ather’s remaining involved in the children’s academic life.” He states that Y.A. lacks motivation and that mother’s approach is “too soft.”

Father fails to demonstrate an abuse of discretion. The evidence showed that father’s fixation on his children’s academic performance was a major cause of the issues that led to their removal from their father, including the incident in which father kicked I.A. and pushed Y.A. The evidence further showed that father took no responsibility, denied the allegations, and blamed everything on mother. Father’s attitude persists in his appellate briefing, in which he once again focuses on the children’s academic performance, criticizes the mother for not adequately motivating them, and fails to address the evidence of his own detrimental conduct, including his physical attacks on the children. The juvenile court reasonably could conclude that allowing father to participate in decisions about the children’s education would not be in their best interest, even assuming *arguendo* Y.A.’s grades have suffered.

To the extent father invokes evidence contrary to the juvenile court’s findings, such as father’s denial of any physical abuse, under the applicable standard of review we “resolv[e] all conflicts in favor of the prevailing party” (*Alexzander C.*, *supra*, 18 Cal.App.5th at p. 446), and therefore reject that contrary evidence.



## **DISPOSITION**

The juvenile court's orders granting sole physical and legal custody to mother and terminating jurisdiction are affirmed.

NOT TO BE PUBLISHED.

BENDIX, J.

We concur:

ROTHSCHILD, P. J.

SINANIAN, J.\*

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.